

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Samuel C. Brewer) File No. EB-10-SF-0313
Licensee of Radio Station WN6W)
Lincoln, California) NOV No. V201132960009
)

NOTICE OF VIOLATION

Released: January 25, 2011

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Samuel C. Brewer ("WN6W"), the licensee of the Amateur Radio Service station WN6W in Lincoln, California.

2. On January 4, 2011, in response to a complaint from the American Radio Relay League ("ARRL") concerning interference to amateur radio communications to repeater stations operating on 146.775 MHz, agents of the Enforcement Bureau's San Francisco Office used mobile direction finding techniques to locate the non-coordinated two-meter Amateur Radio repeater owned by Brewer. The malfunctioning repeater was causing interference to K6BW and N1PPP repeaters in Novato and Kelseyville, California, respectively. The agents located your repeater at Red Mountain, 38° 27' 09.0" north latitude and 122° 30' 36.0" west longitude, northeast of Kenwood, California, and observed the following violations:

- a. 47 C.F.R. § 97.119(a): "Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during the communications, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions. No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to the station." On January 4, 2011 between 9:00 AM to 2:20 PM, agents determined that WN6W repeater station failed to transmit its call sign.
- b. 47 C.F.R. § 97.103 (a): "The station licensee is responsible for the proper operation of the station in accordance with the FCC Rules." At the time of inspection, agents determined that the WN6W repeater station had

¹ 47 C.F.R. § 1.89.

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malfunctioned and was transmitting a continuous unmodulated signal that interfered with the amateur radio repeaters operated by K6BW and N1PPP on 146.775 MHz.

- c. 47 C.F.R. § 97.205(c): “Where the transmissions of the repeater cause harmful interference to another repeater, the two station licensees are equally and fully responsible for resolving the interference unless the operation of one station is recommended by a frequency coordinator and the operation of the other station is not. In that case, the licensee of the non-coordinated repeater has primary responsibility to resolve the interference.” The non-coordinated WN6W repeater interfered with the two amateur radio repeaters, K6BW and N1PPP. At the time of the inspection, a site technician unplugged the power to the repeater to resolve the interference. It is the responsibility of WN6W to resolve the interference and the station should not be reactivated until the cause of the malfunction is eliminated.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Samuel C. Brewer, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by Samuel C. Brewer. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, CA 94588-8543

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to Samuel C. Brewer at his address of record.

² 47 U.S.C. § 308(b).

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5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*